

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Milinov et al.

Tech Center: 3600

Serial No. 10/526,310

Art Unit: 3635

Filed: March 02, 2005

Examiner: To be Assigned

For: Item of Transformable Furniture

Atty. Docket: 967420.00003



RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

U.S. Patent and Trademark Office
Box Office of Petitions
Technology Center 3600
Randolph Building
Alexandria, VA 22314

Sir:

This is a request for reconsideration of the Petition to Make Special under 37 C.F.R. § 1.102(d) filed on November 28, 2005, decision on which was mailed June 12, 2006. The basis of dismissal was Applicant's alleged failure to include an election without traverse, or a statement that applicants are willing to elect without traverse should a restriction or election be required.

Applicants had on Paragraph IV of the Petition asserted that by the nature of the invention – namely an item of transformable furniture, that the application is most assuredly directed to a single invention and this requirement does not apply to this invention.

Nevertheless, in order to perfect the Petition to Make Special, Applicants hereby declare that they are willing to elect without traverse should a restriction or election be required.

Applicants respectfully ask that the Petition to make Special be reconsidered and granted. Applicants further ask that in view of the seven-month delay in considering this petition (for failure of the USPTO to inform the Special Programs Examiner about the

pendency of a Petition to make Special), that an accelerated consideration be given to this case.


Enclosed is a copy of Decision on Petition to Make Special mailed June 12, 2006. Also, the following materials previously filed on November 28, 2005, are enclosed for the Examiner's convenience:

1. Petition To Make Special Under 37 CFR §1.102(d) and Incorporated Supplemental Information Disclosure Statement;
2. Declarations In Support of Petition To Make Special Under 37 CFR §1.102(d);
3. Supplemental Information Disclosure Statement;
4. USPTO Form 1449;
5. Copies of 12 References Cited on PTO Form 1449;
6. Copies of 4 References as filed on Application Date March 2, 2005 with IDS.

It is not believed that any fee or extension of time is required to perfect this Renewed Petition. Any extensions of time deemed required is hereby petitioned and any fees deemed required may be charged to our Deposit Account No. 50-0622.

Applicants respectfully submit that all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. § 708.02 have been met in order to place the present application in special status. It is therefore respectfully requested that this Petition be granted.

Respectfully submitted,

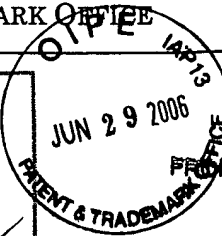
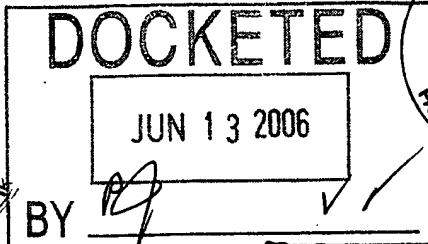
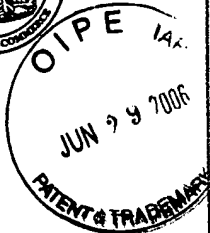
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Christopher E. Aniedobe
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UNITED STATES PATENT AND TRADEMARK OFFICE



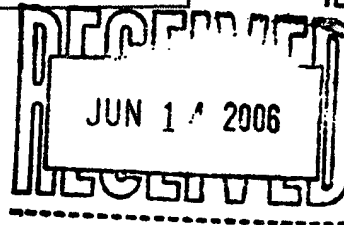
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JUN 12 2006

TECHNOLOGY CENTER 3600

REED SMITH LLP
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In re application of
Llian Vladimirov Milinov et al.
Application No. 10/526,310
Filed: March 02, 2005
For: ITEM OF TRANSFORMABLE FURNITURE

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ACCELERATED**
: **EXAMINATION)**

This is in response to the petition filed on March 02, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

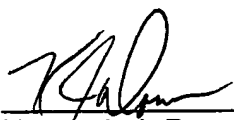
The petition fails to adequately meet requirements (B) above. In this regard, item (B) is not met because the petition fails to include an election without traverse, or a statement that applicants are willing to elect without traverse should a restriction or election be required.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 06/08/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. 10/526,310

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For: Item of Transformable Furniture



Art Unit: 3635

Examiner: To be Assigned

Atty. Docket: 967420.00003

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d) AND
INCORPORATED SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT**

U.S. Patent and Trademark Office
Box Office of Petitions
Customer Window
Randolph Building
Alexandria, VA 22314

Sir:

This is a petition to the Commissioner to make the above-identified patent application special. The grounds and conditions for granting this application special status are found in M.P.E.P. § 708.02 VIII entitled "Special Examining Procedure for Certain New Applications - Accelerated Examination." The Petition Fee required pursuant to 37 C.F.R. § 1.17 is enclosed.

As provided for in M.P.E.P. § 708.02 VIII, Applicants agree to the special examining procedure that is detailed therein. In support of this Petition, Applicants provide a discussion of each of the following:

- I. The results of a pre-examination search that was made in connection with the present invention;

II. A list of the documents found upon search deemed most closely related to the subject matter encompassed by the claims;

III. A detailed discussion of the documents, which discussion points out, with the particularity required by 37 C.F.R. §§ 1.111(b) and (c), how the claimed subject matter is distinguishable over the documents;

IV. The claims are directed to a single invention;

V. Additional comments; and

VI. Conclusion

I. Scope and Results of a Pre-examination Search

The subject matter of the above-identified application relates to chair transformable into a table or desk.

Applicants have not received an Office Action concerning the examination of the present application.

To determine the patentability of the present claims of the application, a thorough and careful search was conducted in the United States Patent and Trademark Office (PTO). Applicants' undersigned representative conducted this search.

The Index to the U.S. Patent Classification system as published in the USPTO Website was consulted regarding the field of search. Based on that, a search was conducted in the USPTO Patent and Published application database for class 297 as follows. For patents granted after 1976, a key word search was done for all patents falling within class 297 and all its subclasses whose abstract contains the search term, "chair and (table or desk)." For patents granted before 1976, the following subclasses of class 297 were searched: 297/119, 297/124, 297/125, 297/293.1, 297/283.2, 297/283.3.

Additionally a key word search was conducted on WIPO database for the following key words: chair and (table or desk) and (convertible or transformable or adjustable).

II. List of Documents Uncovered by the Pre-examination Search

In support of this Petition to Make Special, submitted herewith on Form PTO-1449 is a listing of documents known to the Applicants and/or their attorney and deemed most closely related to the subject matter encompassed by the claims of the present application. This listing of documents is also in compliance with the requirements of 37 C.F.R. § 1.56. Copies of the documents are submitted herewith.

Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the present application.

The International Search Report, the International Preliminary Examination Report and copies of US 1,513, 651; GB 195, 545; EP 0 447, 925 and DE 296 12 131U have already been made of record by way of Information Disclosure Statement filed March 02, 2005.

The pre-examination search uncovered the following documents:

U.S. Patents

1. 6,883,863
2. 6,428,094
3. 4,427,232
4. 3,352,602
5. 3,554,597
6. 2,658,554
7. 2,595,179
8. 1,513,651
9. 1,425,354

Other Information and Publications

- 10. EP 0 447 925
- 11. DE 296 12 131U
- 12. GB 702,965
- 13. GB 1,198,356
- 14. GB 1,190, 221
- 15. CN 92111940.2
- 16. GB 195, 545

III. Detailed discussion of the Documents

The documents uncovered by the pre-examination search are discussed below.

1. US 6,883,863

US 6,883,863 relates to a folding combination chair and table assembly including a seat mounted on support legs and a back rest mounted on a support which is continuous with one said legs; the back rest capable of rotation about said support such that in one position it forms a back rest and in another a bench or table; wherein said back rest is supported by said support and wherein said support is disposed at a location which allows a person seated on the chair to adopt a first seated position in which the persons back engages said back rest and a second seated position wherein the person may adjust then use the back rest as a table and rotate his or her legs from said first seated position to said second seated position without obstruction by said back rest support member.

US 6,883,863 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

2. US 6,428,094

US 6,428,094 relates to a furniture unit 30 (FIG. 1) comprising a base 31, a horizontal panel member 32, a vertical panel member 33, and an adjustable support 34 for the panel members 32 and 33. The support 34 is provided with a center pivot 35 connected to the base 31, a front pivot 36 connected to a front edge of the horizontal panel member 32, and a rear pivot 37 connected to a lower edge of the vertical panel member 33. The horizontal panel member 32, the support 34 and the vertical panel member 33 are interconnected in series to form an adjustable subassembly on the base 31. Specifically, the support 34 is movable to a first position (see the solid lines) where the horizontal panel member 32 is lowered and a front surface of the vertical panel member 33 is located generally rearwardly of and above the rear edge of the horizontal panel member 32. The support 34 is further movable to a second position (see the dashed lines) where the horizontal panel member 32 is raised up, and the vertical panel member 33 is located generally rearwardly of and below the rear edge of the horizontal panel member 32. In one form, the arrangement forms an adjustable "sit/stand" chair (see FIG. 1, FIG. 2, FIGS. 3-10, FIGS. 11-12, FIGS. 13-14 and FIGS. 15-16). In another form, a furniture unit is configured for adjustment between a chair-like first position and a desk-like second position (see FIG. 1, FIG. 2, and also note FIGS. 3-10). In yet another form, the arrangement forms a desk with a height-adjustable work surface and a height-adjustable accessory-supporting back panel (see FIG. 1, FIG. 2, and FIGS. 15-16).

Unlike the present invention, the horizontal and vertical panels of the US 6, 428, 094 are supported by an adjustable support (34) mounted on the base frame and

transformation between a chair and desktop configuration is attained by rotating the support (34) about a center pivot (35).

3. US 4,427,232

US 4,427,232 relates to a reversible chair-desk construction that can be used with equal facility by left or right handed persons. As illustrated in Figs 1 and 2, the combination chair-desk unit of the US 4, 427, 232 is not convertible to either a chair or a worktop and does not teach nor suggest the invention recited in the present application.

4. US 3,352,602

US 3,352,602 relates to a high-chair of the type that can be used in two positions and has a frame that is adapted to be placed in two-different positions on a base, the two positions being staggered 90⁰ in relation to each other, and to support a seat at a corner of the frame in each of the two positions and further having a table-top corresponding to one of the positions.

US 3,352,602 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

5. US 3,554,597

US 3,554, 597 relates to a chair-table combination which can be converted to a high -backed chair, or a low backed work chair with table attached; the chair being a four legged table with an upstanding low back member secured thereto; the table member

being formed by a flat member mounted on an S-shaped frame, pivoted to the front of the chair.

US 3,554, 597 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

6. US 2,658,554

US 2,658, 554 relates to a device that may be used as a table to which a high chair or the like can be secured.

US 2,658, 554 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

7. US 2,595,179

US 2,595,179 relates to an interconvertible chair and table wherein the back of the chair is provided with studs projecting from its opposite edges, said studs slidably cooperating in an advantageous manner with internal, oppositely facing, guide grooves provided in the arms of the chair, so that the member which selectively forms the back of the chair and the table top can be operated in a more satisfactory manner in converting the table into a chair and vice versa.

US 2,595,179 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

8. US 1,513,651

US-1513651 relates to a chair convertible into a table shown in Figs. 5 and 6, consisting of two plates (13 and 14) as shown in Figs. 1 and 2. The plate (14) can rotate round a horizontal axis constituted by a first hinge (24) shown in Fig. 6 and the plate (13) can rotate round a horizontal axis constituted by the pivots (12) shown in Fig. 1, whereas the plates are also hinged together by the third hinge (15). The multi-hinged construction of US 1,513,651, and the absence of a front paneled work top when converted depart from the invention as claimed in the instant Application.

9. US 1,425,354

US 1,425,354 relates to a convertible and foldable chair and table unit having a seat section 10 and a back section 11, a support or leg structure carried by the seat section and consisting of intersecting pivotally connected looped leg frames 12 and 13; connecting links 14 between the back section and one of the leg frames, and bracing loops or members 15 and 16 carried by the back section and adapted to be used in supporting the back section in the horizontal position when the device is set up as a table.

US 1,425,354 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

10. EP 0 447 925

EP-A2-0447925 discloses an item of furniture which according to an embodiment shown in Figs. 1 and 2 comprises a one-piece L-shaped chair element (6, 7, 8, 9) and a separate worktop (4), both of which are fixedly connected to a frame (3). By

turning the frame in an appropriate position the item can be used as a chair or as a table but in no event can it be converted from a chair to a table and vice versa.

Further, EP-A2-0447925 discloses another embodiment shown in Figs. 3 and 4 comprising a foldable chair unit (6,7, 8, 9) and a separate worktop (4). In this embodiment both, the hinge axis of the foldable chair unit and the separate worktop are fixedly connected to the frame (3). Thus, by turning the furniture into the table position the chair unit can be folded and by turning into the chair position unfolded. Figs 3 and 4 merely represent a foldable version of Figures 1 and 2, having a separate chair unit distinct from a table unit and does not teach or suggest a convertible item of furniture

The further embodiments shown in Figures 5 to 8 are related again to an item of furniture comprising an one-piece L-shaped chair element using either one single rotational axis (cf. Figs. 5,6) or fixing pins (14,15), and is clearly distinct from the invention claimed in the instant application.

11. DE 296 12 131U

DE-U1-29612131 teaches an item of transformable furniture consisting of two one-piece L-shaped units hinged together, wherein only one of these units can be turned around an axis for completing the other one to a chair or a table or bench, loosely stated. Further, the chair configuration of DE U1-29612131 is converted to a bench or table and not to a worktop in the sense that the bench or table of Figures 2 and 4 are not designed to ergonomically complement the chair of Figures 1 and 3.

12. GB 702,965

GB 702,965 relates to a convertible chair-table comprising a base portion (A) constructed in the manner of a stool and having a seat part mounted on four legs. A main flat member (B) is hingedly connected at its sides to auxiliary flat members (C1 and C2) and at its top edge to one side face of the base portion (A). When positioned for use as a chair, the main flat member is turned slightly past the vertical so as to rest against the corresponding side face of the base portion and form a back support, whilst the auxiliary

flat members are pivoted about the main flat member so as to form side struts and supports. When positioned for use as a table, the main flat member is turned so as to bear either on the upper surface of the seat part of the base portion or directly on the base portion itself, so as to form the main portion of a table top, whilst the auxiliary flat members are turned into the same plane as the main flat member to form auxiliary portions of the table top.

GB 702, 965 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

13. GB 1,198,356

GB 1,198,356 relates to a chair comprising a pair of side frames, each having at least one convexly bowed edge and one straight edge, interconnected by one or more cross-members, providing seating or supporting surfaces, such that the chair has at least one unstable, rocking position when resting on the bowed frame edges and one stable position when resting on the straight frame edges.

GB 1,198,356 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

14. GB 1,190, 221

GB 1,190, 221 relates to a convertible table/chair, including a chair seat and back pivotally connected together and carried by a main frame by the back being pivotally

connected to the top of a back member of the main frame; and a support frame comprising a support member mounted at the front of the main frame and carrying a transverse member at its free end, the support frame being movable between a first position in which the support member is below the chair, and a second position in which the support member extends above the chair seat position and the transverse member is substantially horizontal, the chair seat and back being movable into co-planar horizontal positions supported by the support frame, when in its second position, and the main frame, to constitute a table surface.

GB 1,190, 221 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

15. CN 92111940.2

CN 92111940.2 relates to a convertible chair/table device having a seating plate and a backing plate hingedly connected to each other with the seating plate adjustably connected to the frame member by an adjusting arm, said adjusting arm being used to transform the chair into a table and vice-versa.

CN 92111940.2 does not teach nor suggest an L-shaped first and second plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

16. GB 195, 545

GB 195, 545 teaches a chair and table combination in which the back of an arm chair is pivoted in such a manner that it may be bodily raised and swung about its pivots to lie horizontally upon the arms of the chair to form a table. GB 195,545 does not teach the 2-plate hinged configuration of the chair element of the instant invention.

IV. The Claims are Directed to a Single Invention

Claims 1-9 are pending in the application as per the Preliminary amendment filed March 02, 2005. The claims are directed to a single invention and it is not believed that a putative election of claims to be examined is necessary at this time.

V. Additional Comments

Contrary to the teachings of the above-listed patents and other information, the present invention as claimed is directed to a novel, ergonomically designed, frame mounted L-shaped seating and backing plate connected by a hinged joint and rotatable around the hinge joint in order to transform the item from a chair to a worktop.

Many other aspects of the present invention are detailed in the dependent claims. Applicants respectfully submit that the claimed invention is not taught or suggested by any of the above-listed art taken alone or in combination.

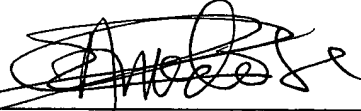
VI. Conclusion

This statement should not be construed as a representation that more material information does not exist.

In accordance with the requirements of 37 C.F.R. § 1.102(d), Applicants submit herewith the Petition Fee of \$130.00 as required by 37 C.F.R. § 1.17 (h). A check in that amount is enclosed.

Applicants respectfully submit that all of the requirements of 37 C.F.R. § 1.102 and M.P.E.P. § 708.02 have been met in order to place the present application in special status. It is therefore respectfully requested that this Petition be granted.

Respectfully submitted,

By: 

Christopher E. Aniedobe
Reg. No. 48,293

Date: Nov. 28, 2005

ReedSmith LLP
1301 K Street, NW
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**DECLARATIONS IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER 37
C.F.R. § 1.102(d)**

U.S. Patent and Trademark Office
Box Office of Petitions
Customer Window
Randolph Building
Alexandria, VA 22314

Sir:


In support of the accompanying petition to the Commissioner to make the above-identified patent application special, Applicants, through the undersigned hereby allege that:

There is an infringing device actually on the market;

A rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and in our opinion, some of the claims are unquestionably infringed;

We have caused to be made, a careful and thorough search of the prior art and copies of those most closely related to the subject matter encompassed by the claims are herewith attached.

Respectfully submitted,

By: 

Christopher E. Aniedobe
Reg. No. 48,293

Date: Nov. 28, 2005

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